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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,223	08/29/2003	Tetsuo Takata	031082	7640

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EXAMINER

EDELL, JOSEPH F

ART UNIT PAPER NUMBER

3636

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,223

Applicant(s)

TAKATA, TETSUO

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 and 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: "rixing" (line 2) should read --fixing--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP Publication No. 2001-161588 to Koto.

Koto discloses a shelf assembly that includes all the limitations recited in claims 1-3, 5, and 14. Koto shows a shelf assembly having a shelf support 1 (Fig. 1) with a fixing part 2 (Fig. 1), a projecting body 7,8 (Fig. 1) extending from the fixing part, and a fall prevention part 4 (Fig. 6) extending from an end of the projecting body, a shelf body 3 (Fig. 2) with a cavity 8 (Fig. 5) to encase the shelf support, a board 2a (Fig. 1) forming the fixing part, and at least one protrusion at an inner edge of the shelf body wherein the projecting bodies are at both ends of the fixing part and extending with an angle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koto in view of U.S. Patent No. 4,611,866 to Everett.

Koto discloses a shelf assembly that is basically the same as that recited in claim 4 except that the fall prevention part lacks a spring structure, as recited in the claims. Everett discloses a shelf assembly similar to that of Koto wherein the fixing part 24a (Fig. 4) has fall prevention part that is a screw and/or a spring. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shelf assembly of Koto such that the fall prevention part has a spring structure, such as the shelf assembly disclosed in Everett. One would have been motivated to make such a modification in view of the suggestion in Everett that the screw and spring are functionally equivalent.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koto.

Koto discloses a shelf assembly that is basically the same as that recited in claim 6 except that the fixing part is not of an L-shaped board, as recited in the claim. However, it would have been an obvious matter of design choice to make the specific L-shaped board, since such a modification would have involved a mere change in shape of the rectangular board of Koto. A change in shape is generally recognized as being

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within the level of ordinary skill in the art since Applicant has not disclose that having the specific shape solves any stated problem or is for any particular purpose and it appears the board would perform equally well with any well known shape.

7. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koto in view of U.S. Patent No. 4,381,715 to Forman.

Koto discloses a shelf assembly that is basically the same as that recited in claims 15-17 except that the fixing part lacks a bent part and the protrusion lacks at least one of a line and a dot, as recited in the claims. Forman shows a shelf assembly similar to that of Koto wherein the shelf assembly has a shelf support (Fig. 2) with a fixing part 8 (Fig. 2) and a fall prevention part 7 (Fig. 2), a shelf body 1 (Fig. 1) with a cavity 4 (Fig. 6) to encase the shelf support, a projecting body 9 (Fig. 2) on the shelf support that extends from the fixing part wherein the fall prevention part is arranged on the projecting body, at least one protrusion (Fig. 10) at an inner edge of the cavity of the shelf body formed into at least one of a line and a dot, and a bent part 11 (Fig. 7) engaged with the at least one protrusion. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shelf assembly of Koto such that the at least one protrusion is formed of at least one of a line and a dot and can engage a bent part of the fixing part, such as the shelf assembly disclosed in Forman. One would have been motivated to make such a modification in view of the suggestion in Forman that the protrusion with the at least one of a line and a dot and engaging a bent part of the fixing part slidably guides and fixably secures the shelf body in place.

Response to Arguments

8. Applicant's arguments filed 17 February 2005 have been fully considered but they are not persuasive. Applicant argues that Koto fails to disclose all the limitations of claims 1. However, Applicant has not specifically recited any deficiencies and it appears that the Koto teaches all the limitations of claim 1. Therefore, the rejection of claim 1 as being anticipated by Koto is maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE
May 16, 2005


Peter M. Cuomo
Supervisory Patent Examiner
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